

QUESTIONS TO ASK WHEN CONSIDERING A CIRCLE:

1. *Has someone been harmed?*
2. *Is there a need to repair the harm?*
3. *Has the offender admitted responsibility?*
4. *Could a RJC cause further harm?*
5. *Does the victim want this process?*

Participation by all parties (victim, offender, etc.) must be voluntary. A forum should be considered when the offender has made an admission and agrees to participate.

WHO CAN REFER TO RESTORATIVE JUSTICE?

- ❖ Community Legal Workers
- ❖ Police Officers, Probation Officers
- ❖ Chief and Council
- ❖ Principals & Teachers
- ❖ Community Resource Workers
- ❖ Parents & Individuals

The following are some of the conditions of the Care Plans that have resulted from the "Circle":

- ✓ Volunteer Work in the community, tending to Elders, getting firewood or shoveling, gathering of food, volunteering/attending community events
- ✓ Apologies
- ✓ Fine
- ✓ Written or verbal apology
- ✓ Attending presentations
- ✓ Attendance at school
- ✓ Testimonies, sharing of stories to provide a teaching
- ✓ Attending a treatment program/self-help program

WHAT IS RESTORATIVE JUSTICE?

A Restorative Justice Circle (RJC) is a unique method of achieving **alternative** justice. In specific criminal offences, a RJC is created to promote a repairing of the damage that was caused by the crime as well as healing between the victim and the offender. This is achieved without entering into the conventional court system.

The offender must take responsibility for his or her actions in order to be diverted to the Restorative Justice Program.

The eventual goal of an RJC is to reach what is called a Circle Agreement or a Circle Settlement. Agreements or Settlements. Within this Circle Agreement the offender agrees to take a course of action to repair harms caused by him or herself to the victim.

It is a concerted effort to try and repair the damage that was caused to the victim and his or her family and to make the offender aware of his or her actions and its effects. If the offender is successful in meeting the conditions or the course of action (undertaken in the conference agreement) then the outstanding criminal charges may be withdrawn.

It is very important to note that offenders, both youth and adults alike, are required to make a firm commitment to change their social behavioral patterns within the community and that Restorative Justice is not an easy way out of pending criminal charges. Criminal charges may also be re-initiated if the offender breaches the terms of the Circle Agreement.

- ❖ Judges, Crown Attorneys, Defense Council

EXAMPLES FOR RJC:

It is important not to have strict policies on which cases can be referred to a RJC. Each case and all its circumstances should be reviewed to determine eligibility.

RJCs are being used for civil matters, child custody cases, neighborhood disturbances (i.e. Barking dogs, loud music), workplace disputes and harassment. In schools, RJCs are being used for serious discipline problems like bullying, truancy and harassment.

For Criminal matters, RJCs are most commonly used as a pre-charge diversion at the investigating officer's discretion. This process has been used for both Young Offenders and Adults for the following types of cases:

Pre-Charge:

- Theft
- Assault
- Break and Enter
- Breaches
- Bullying

Post Charge:

Less than \$5000.00

- Theft Under, S.334(b);
- Domestic Assault
- Take Motor Vehicle Without Consent, S.335 (1);
- False Pretenses Under, S. 362 (2);
- False Statement Under, S.362;
- Break & Enter, S.348;
- Assault, S. 266;
- Mischief Under, S. 430 (4); and
- Cause Disturbance, S. 175

Crown Attorney to carefully consider all of the circumstances of the particular charge before deciding whether the offence may be referred for services.